

REMARKS

Claims 1-34 stand in this application. Claims 1, 7, 16, 21 and 24 have been amended. Reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-30 stand rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,229,883 (Kakizaki). Applicant respectfully requests reconsideration and removal of this rejection.

Claims 1-30 each recite, either directly or indirectly, the feature of an application computer communicating “information pertaining to an incoming call indicative of telephony monitoring and control functions” with a call processing device or a gatekeeper. At least this feature is not shown in the cited references.

Kakizaki describes a system to deliver a caller’s phone number to a callee in an Internet telephony system. Kakizaki, Col. 2: Lines 43-46. The Kakizaki system establishes a first control channel between the caller’s local switch and Internet Service Provider (ISP), and a second control channel between the callee’s local switch and ISP. The caller’s telephone number is then communicated from the caller to the callee via the first and second control channels. Id. at Lines 47-67.

Claims 1-30 represent patentable subject matter since Kakizaki fails to disclose all the features of claims 1-30. Kakizaki describes a call terminal, local switch and ISP server for a caller and callee, respectively. None of these devices communicate “information pertaining to an incoming call indicative of telephony monitoring and control functions.” Moreover, the only device that performs any call processing

operations is the subscriber connection controller for the local switch. Kakizaki, Col 6: Lines 30-33. The subscriber connection controller, however, “processes network connection in response to a subscriber’s request for the establishment and release of a call.” Id. There is no mention of communicating “information pertaining to an incoming call indicative of telephony monitoring and control functions” between a gatekeeper or application computer. Removal of this rejection for claims 1-30 is therefore respectfully requested.

Claims 31-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kakizaki. Applicant respectfully traverses this rejection.

Claims 31-34 represent patentable subject matter since Kakizaki fails to disclose all the features of claims 31-34. Claims 31-34 depend from claim 26. Claim 26 recites “an applications computer to provide a user information relating to the incoming caller of telephone calls transmitted over a packet-switched data network under its control.” Kakizaki sends caller ID information over the public Internet. Consequently, Kakizaki fails to disclose any device transmitting information “over a packet-switched data network under its control.” Accordingly, removal of this rejection for claims 31-34 is respectfully requested.

For at least the above reasons, Applicant submits that claims 1-34 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Appl. No. 10/072,465

Reply to Office Action of 11/26/03 (Paper No. 8)

It is believed that claims 1-34 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 2/26/04.



Deborah Higham

2/26/04

Date

Dated: 2/26/04

12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025